

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **XIOMARA SIFUENTES BONILLA**CASE NO: **16-00030-ESL**

Debtor(s)

Chapter 13**TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$132.00** Outstanding (Through the Plan): **\$2,868.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☒ Under ☐ Above Median IncomeLiquidation Value: **\$20,990.00**Commitment Period is ☒ 36 months ☐ 60 months §1325(b)(1)(B) General Unsecured Pool: **\$0.00**With respect to the (amended) Plan date: **Feb 08, 2016 (Dkt 14)** **Plan Base: \$23,500.00**The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: **45 %****The Trustee objects to confirmation for the following reasons:**

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor is one month in arrears in payments to Trustee.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Creditors Best Interest Test. [1325(a)(4)]

The Plan is insufficiently funded to pay in full the 100% plus interest to the general unsecured claims.

***OTHER COMMENTS / OBJECTIONS**

Anderson Financial secured creditor provided for in the plan, is yet to file its proof of claim. Said creditor will not participate from the disbursements until it files its claim. In absence of such claim Debtor must submit evidence of the secured status of said creditor in order to confirm that the treatment being provided does not constitute unfair discrimination against other parties in the case.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Case:16-00030-ESL13 Doc#21 Filed:04/29/16 Entered:04/29/16 07:17:43 Desc: Main Document Page 2 of 2

/s/ Mayra Arguelles, Esq.

Last Docket Verified: 20 Last Claim Verified: 8 CMC: